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<b>JEFFREY ISAACS,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No.</b>
	)	<b>17-11221-FDS</b>
<b>v.</b>	)	
	)	
<b>UNITED STATES DEPARTMENT</b>	)	
<b>OF EDUCATION,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**SAYLOR, J.**

As a general matter, the basis of a court’s review of an agency’s decision is the administrative record. *Town of Norfolk v. U.S. Army Corps of Engineers*, 968 F.2d 1438, 1458-59 (1st Cir. 1992) (citing *Florida Power & Light Co. v. Lorion*, 470 U.S. 729, 743-44 (1985); *Camp v. Pitts*, 411 U.S. 138, 142 (1973)). A strong showing of bad faith or improper behavior is required before ordering the supplementation of the administrative record. *Id.* Deliberative documents should not be included as part of the administrative record as a matter of law, because government agency proceedings benefit from a presumption of regularity. *See Oceana, Inc. v. Pritzker*, 217 F. Supp. 3d 310, 318 (D.D.C 2016); *Stand Up for California! v. U.S. Dep’t of Interior*, 71 F. Supp. 3d 109, 123-24 (D.D.C. 2014). Therefore, when an agency’s action is challenged, the reasonableness of the agency’s action must be judged based on its stated reasons,

unless there is a showing of bad faith or exceptional circumstances. *See Oceana, Inc.*, 217 F. Supp. 3d at 318; *Stand Up for California!*, 71 F. Supp. 3d at 123-24.

Plaintiff has not made a showing that the Department of Education acted in bad faith or improperly, or at least to the degree necessary to make an exception to the ordinary rule. He will therefore be limited to the administrative record, which was certified as complete, in challenging the agency's decision.

In summary, because plaintiff has failed to show that extraordinary circumstances justify production of the agency's deliberative-process documents, the motion is DENIED.

**So Ordered.**

Dated: July 20, 2018

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge